

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

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TRACEY CORDES, CLERK
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
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UNITED STATES OF AMERICA,

Plaintiff,
vs.
Hon.

No.
Chief U.S. District Judge

1:10-cr-207

Paul L Maloney
Chief U.S. District Judge

SCOTT ALLAN HERRICK,

Defendant. **INDICTMENT**

/

The Grand Jury charges:

COUNT ONE

Sexual Exploitation of Children

On or about February 6, 2009, in Muskegon County, in the Southern Division of the Western District of Michigan, the defendant,

SCOTT ALLAN HERRICK,

did attempt to use minors with the intent that such minors engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct and which were produced using materials which had been shipped or transported in interstate and foreign commerce.

Specifically, the defendant surreptitiously created a video of boys, who were approximately nine years old, while they were dressing in the boys' locker room at the YMCA, in an attempt to produce a video that depicted the lascivious exhibition of their genitals and pubic area. The defendant produced the video using one or more of the following, a cellular telephone

with a digital camera and a desktop computer with components that were manufactured outside the State of Michigan.

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2256

COUNT TWO

Sexual Exploitation of Children

On or about March 25, 2009, in Muskegon County, in the Southern Division of the Western District of Michigan, the defendant,

SCOTT ALLAN HERRICK,

did attempt to use minors with the intent that such minors engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct and which were produced using materials which had been shipped or transported in interstate and foreign commerce.

Specifically, the defendant surreptitiously created a video of boys, who were approximately nine years old, while they were dressing in the boys' locker room at the YMCA, in an attempt to produce a video that depicted the lascivious exhibition of their genitals and pubic area. The defendant produced the video using one or more of the following, a cellular telephone with a digital camera and a desktop computer with components that were manufactured outside the State of Michigan.

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2256

COUNT THREE

Sexual Exploitation of Children

On or about March 25, 2009, in Muskegon County, in the Southern Division of the Western District of Michigan, the defendant,

SCOTT ALLAN HERRICK,

did attempt to use minors with the intent that such minors engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct and which were produced using materials which had been shipped or transported in interstate and foreign commerce.

Specifically, the defendant surreptitiously created a video of boys, who were approximately nine years old, while they were dressing in the boys' locker room at the YMCA, in an attempt to produce a video that depicted the lascivious exhibition of their genitals and pubic area. The defendant produced the video using one or more of the following, a cellular telephone with a digital camera and a desktop computer with components that were manufactured outside the State of Michigan.

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2256

COUNT FOUR

Sexual Exploitation of Children

On or about May 18, 2009, in Muskegon County, in the Southern Division of the Western District of Michigan, the defendant,

SCOTT ALLAN HERRICK,

did attempt to use minors with the intent that such minors engage in sexually explicit conduct for the purpose of producing visual depictions of such conduct and which were produced using materials which had been shipped or transported in interstate and foreign commerce.

Specifically, the defendant surreptitiously created a video of boys, who were approximately nine years old, while they were dressing in the boys' locker room at the YMCA, in an attempt to produce a video that depicted the lascivious exhibition of their genitals and pubic area. The defendant produced the video using one or more of the following, a cellular telephone with a digital camera and a desktop computer with components that were manufactured outside the State of Michigan.

18 U.S.C. § 2251(a) and (e)

18 U.S.C. § 2256

COUNT FIVE

Distribution of Child Pornography

On or about April 24, 2010, in Muskegon County, in the Southern Division of the Western District of Michigan and elsewhere, the defendant,

SCOTT ALAN HERRICK,

knowingly distributed child pornography in the form of digital images using any means or facility of interstate commerce, including by computer; that is, the defendant distributed via the Internet to a person in the State of New York digital images, including, but not limited to, one or more of the visual depictions listed below by digital filename:

- | | |
|-----------------------------------|------------------------------|
| 1. anal.mpg | 4. Logan0.wmv |
| 2. FyouMultiply - 7 YO Boy.wmv | 5. P101 - Brotherlove 1.divx |
| 3. Hedone's Site - hotondad2.mpeg | |

18 U.S.C. § 2252A(a)(2)(A) and (b)(1)

18 U.S.C. § 2256(8)(A)

COUNT SIX

Distribution of Child Pornography

On or about June 17, 2010, in Muskegon County, in the Southern Division of the Western District of Michigan and elsewhere, the defendant,

SCOTT ALAN HERRICK,

knowingly distributed child pornography in the form of digital images using any means or facility of interstate commerce, including by computer; that is, the defendant distributed via the Internet to a person in the State of New York digital images, including, but not limited to, one or more of the visual depictions listed below by digital filename:

- | | |
|---|---|
| 1. 02.avi; | 4. Hedone's Site - hotondad2.mpeg |
| 2. 2BoyzMaknLove02[1][2].mpeg; | 5. little boy sucks and gets cum in his |
| 3. 13 yo boy jerks off and cums in
bedroom 3'59.mpg; | mouth.mpg |

18 U.S.C. § 2252A(a)(2)(A) and (b)(1)

18 U.S.C. § 2256(8)(A)

COUNT SEVEN

Possession of Child Pornography

On or about July 1, 2010, in Muskegon County, in the Western District of Michigan, Southern Division, the defendant,

SCOTT ALLAN HERRICK,

did knowingly possess computer files that contained images of child pornography, including but not limited to one or more of the following:

- | | |
|------------------|-----------------------|
| 1. 26.jpg; | 4. Misha_a7.jpg; |
| 2. FO22.jpg; | 5. matthewds.030.jpg; |
| 3. Mat01114.jpg; | 6. matthewds023.jpg |

Such images were produced using materials which had been shipped or transported in interstate and foreign commerce, including, but not limited to, a Maxtor brand hard drive and a desktop computer with components that were manufactured outside the State of Michigan.

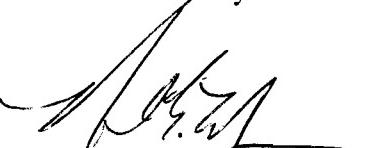
18 U.S.C. § 2252A(a)(5)(B) and (b)(2)
18 U.S.C. § 2256(8)(A)

A TRUE BILL



GRAND JURY FOREPERSON

DONALD A. DAVIS
United States Attorney



DANIEL Y. MEKARU
Assistant United States Attorney